

feel free

FEDERAL DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

9

DAYTON JONES,
PLAINTIFF,

V.

CASE NO. 16-257741-FC

Hon. Rae Lee Chabot

CHANDLER CHEEKS (WARDEN)
~~DEFENDANT.~~

Case: 2:21-cv-10989
Judge: Cox, Sean F.
MJ: Grand, David R.
Filed: 04-21-2021 At 12:33 PM
HC DAYTON JONES V CHANDLER CHEEKS (SS)

"MOTION SEEKING IMMEDIATE RELEASE FROM CUSTODY AND REDUCTION OF SENTENCE DO TO COVID-19" / WRIT OF HABEAS CORPUS FOR COMPASSIONATE RELEASE DO TO COVID-19 28 USC 2241.

IN CASE DOCKET NO. 2016-257741-FC Hon. Rae Lee Chabot denied my motion and thousands of others in the lower circuit court(s) further evidence is found on LEXIS NEXIS ELECTRONIC DATA SYSTEM(S) DENIALS IN MICHIGAN COURT OF APPEALS, MICHIGAN SUPREME COURT knowing when a prisoner is put under additional and UNCONSTITUTIONAL RESTRAINTS during his lawful custody, IT IS ARGUABLE THAT HABEAS CORPUS WILL LIE TO REMOVE THE RESTRAINTS MAKING THE CUSTODY ILLEGAL SEE NOTE: DEVELOPMENT IN LAW HABEAS CORPUS, 83 HARV, L, REV, 1038 (1970); JOHNSON V. AVERY, 393 U.S. 483; (1969); WILWORDING V. SWENSON, SUPR AT 251; BLAIR-BEY V. QUICK, 151

F. 3d 1036, 1042, 331 U.S. App. 362 UTILIZING
28 USC 2241. TO CHALLENGE CONDITIONS OF
CONFINEMENT UNITED STATES V. BASS, 2021 U.S.
B.R.T 11719; 2021 WL 228904.

THERE'S AN ABSENCE OF STATE CORRECTIVE PROCESS¹¹
OR CIRCUMSTANCES EXIST THAT RENDER SUCH
PROCESS INEFFECTIVE TO PROTECT MY RIGHTS LEAVING
NO RECOURSE TO EXHAUST STATE REMEDIES
ENTITLING ME THE RIGHT THROUGH 28 U.S.C. '2241
BLAIR-BEY V. QUICK, 151 F.3d 1036, 1042, 331 U.S.
App. Sc 362 MAKING IT IMPOSSIBLE IN THIS
LIFE THREATENING CRISIS TO EXHAUST IN THESE
MICHIGAN STATE COURTS WHERE THERE IS NO
REMEDY MAKING IT UNAVAILABLE TO ME OR ANY
OTHER PRISONER IN THIS STATE MICHIGAN
O'SULLIVAN V. BOERKE, 526 U.S. 838, 847-848;
119 S.Ct. 1728, 144 L.Ed.2d 1 (1999); CAMERON
V. BOUCHARD, 462 F.Supp. 3d 746 (2020).

THE SUPREME COURT HAS PROVIDED THAT THE
EXHAUSTION REQUIREMENT WILL BE WAIVED
IN RARE CASES WHERE EXCEPTIONAL CIRCUMSTANCES
OR PECULIAR URGENCY ARE SHOWN TO EXIST.

"ROSE, 455 U.S., AT 515-16 (QUOTING EX PARTE
HAWK, 321 U.S. 114, 117, 64 S.Ct. 448, 88
L.Ed. 572 (1944) (2))

A PRISONER SHOULD BE ABLE TO CHALLENGE THEIR CONDITIONS OF CONFINEMENT THROUGH A STATE HARBOR UNDER PHILLIPS V. WARDEN STATE PRISON OF S.

MICHIGAN, 396 N.W. 2d 482, 486 (Michigan Ct. App 1986) OR UNDER 42 U.S.C. 1983 KENT CNTY.

PROSECUTOR V. KENT CNTY SHERIFF, 428 Mich 314; 409 N.W. 2d 202, 208 (Mich. 1987).

BUT THE LOWER CIRCUIT COURTS, COURTS OF APPEALS AND MICHIGAN SUPREME COURT ARE NOT HONORING CASE LAW(S) THAT CLEARLY STATES PEOPLE V. CHANDLER, 941 N.W. 2d 920 (Mich. 2020) (Holding THAT COURTS MUST CONSIDER" THE PUBLIC HEALTH FACTORS ARISING OUT OF THE PRESENT PUBLIC HEALTH EMERGENCY TO MITIGATE THE SPREAD OF COVID-19" WHEN MAKING PRE-TRIAL DETENTION DECISIONS); PEOPLE V. CALLOWAY, NO. 349870, 2020 WL 4382790 AT 4 (Mich. Ct. App. July 30, 2020) (Holding THAT REQUIREMENT SET FORTH IN CHANDLER APPLIES TO CONVICTED PRISONERS.) YET MICHIGAN LOWER STATE COURTS FAIL TO EXHAUST THESE RELEASES IN THOUSANDS OF CASES CITING MCR 6.429 (A) AND (B)) PEOPLE V. WHALEN, 412 Mich 106, 169-170 (1981) SAYING OUR FILINGS ARE UNTIMELY AND OUR SENTENCES ARE VOIDED

(3.)

I CAUGHT THE CORONA VIRUS ON 5-12-20 BECAUSE THUMBS CORRECTIONAL FACILITY / MICHIGAN DEPARTMENT OF CORRECTIONS FAILED TO FOLLOW POLICY DIRECTIVE 03.03.130(I), (2), (K), (3), HUMANE TREATMENT AND LIVING CONDITIONS FOR PRISONERS. ALSO FAILING TO PROTECT MY HEALTH AND MY 8TH AND 14TH AMENDMENT KNOWING IN ACCORD TO THEIR OWN POLICY GOVERRED BY THE DIRECTOR HEIDI WASHINGTON.

I SHOULD HAVE BEEN PLACED INSIDE A CELL BY MYSELF IN ORDER TO SOCIAL DISTANCE IN ACCORD WITH THE CENTERS FOR DISEASE CONTROL AND PREVENTIONS GUIDELINES AND WHEN I TRIED TO ADDRESS THIS MATTER AND MY 1ST AMENDMENT RIGHT(S) WAS VIOLATED EVEN VIOLATING THEIR OWN OATH TO PROTECT MY PHYSICAL WELL BEING AS A PRISONER BECAUSE I WAS GUIDED TO POLICY DIRECTIVE 03.02.130(J), (H.) NOTIFYING ME MY GRIEVANCES ~~SHOULD NOT BE REJECTED~~ BECAUSE ITS AN ISSUE OF MUTUAL CONCERN THAT AFFECTS THE ENTIRE PRISON POPULATION AND WOULD BE SEEN AS A ORGANIZED PROTEST NOT ALLOWING ME TO EXHAUST THWARTING THE GRIEVANCE PROCESS ROSS V. BLAKE, 136 S. CT. 1850 (2016) (4.)

NOTICE:

I SENT HEALTH CARE NUMEROUS LETTERS AND HEALTH CARE REQUEST KITS FOR LAB WORK AND BLOOD DRAWS TO FIND THE CAUSE OF MY SHALLOW BREATHING, BRAIN FOG, IRREGULAR HEART BEATS AND TO NO AVAIL THEY'VE NEVER RESPONDED BACK CONCERNING THESE NEW HEALTH PROBLEMS I'VE ENCOUNTERED BECAUSE OF COVID-19

my SENTENCE(S) AND CONVICTION(S) FOR ASSAULT WITH INTENT TO MURDER AND MHTA FOR FELONY FIREARMS WOULD BE A DEATH SENTENCE IF I WAS TO CATCH THE VARIANT STRAINS NOW SWEEPING THROUGHOUT THE MICHIGAN DEPARTMENT OF CORRECTIONS AFTER THE REGULAR STRAIN INFECTED OVER 24,000 OF THE M.D.C.Z 34,000 PRISON POPULATION KILLING OVER 150 PRISONERS COVERED BY LOCAL AND NATIONAL NEWS PROGRAMS TO THE POINT ALL MICHIGAN PRISONS HAVE BEEN ON QUARANTINE STATUS SINCE MARCH 12, 2020 AS THE NEW VARIANT STRAIN NOW IS REAFFECTING THOSE INKES WHO WAS ONCE INFECTED BEFORE.

"RELIEF REQUESTED"

THE SUPREME COURT HAS HELD THAT STATE PRISONERS DO NOT HAVE TO INVOKES EXTRA ORDINARY REMEDIES WHEN THOSE REMEDIES ARE ALTERNATIVES TO THE STANDARD REVIEW PROCESS AND WHERE THE STATE COURTS HAVE NOT PROVIDED RELIEF THROUGH THOSE REMEDIES IN THE PAST
O'SULLIVAN, 526 U.S. AT 844 (CITATION); LITTLE V. HOPKINS, 638 F. 2d 953, 954 (6TH CIR. 1981) IN THIS UNUSUAL CIRCUMSTANCE I HUMBLY ASK THIS COURT TO GRANT my motion(s) AND RELEASE ME FROM CUSTODY
UNITED STATES V. BASS, NO. 21-1094 (6TH CIR. 2021) JONES,
980 F.3d AT 1103; S. REP. NO. 98, AT 55-56 (1983)

PREPARED / SUBMITTED BY,
DAYTON JONES # 114213
THUMB CORRECTIONAL FACILITY
3225 JOHN CONLEY DRIVE
LAPEER, MICHIGAN
48446

X Dayton Jones

SIGNATURE

DATE: 4-16-2021

(6)

"CERTIFICATE OF SERVICE"

I HEREBY CERTIFY THAT ON THIS DATE A COPY OF THE FOREGOING NOTICE WAS SERVED UPON THE PARTIES AND/ OR COUNSEL OF RECORD BY ELECTRONIC MEANS OR BY FIRST CLASS U.S. MAIL.

I DECLARE THAT THE STATEMENT ABOVE IS TRUE TO THE BEST OF MY INFORMATION AND KNOWLEDGE AND BELIEF.

DATE: 4-16-2021

X Dayton Jones

PREPARED / SUBMITTED BY,
DAYTON JONES # 114213
THUMB CORRECTIONAL FACILITY
3225 JOHN CONLEY DRIVE
LAPEER, MICHIGAN

48446

CC.

ATTORNEY GENERAL SANTA NESESE
P.O. BOX 30217 7TH FLOOR
525 OTTAWA
LANSING, MICHIGAN
48909



Denton Jones #7114213
Thruhs Correctional Facility
3335 John Comer Drive
Lapeer, MI 48446

112121

(Par)

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U.S. DISTRICT COURT
Eastern District of Michigan
Southern Division
1000 Washington Street
BETH CITY, Michigan 48710

ACT 26 2021
THOMAS L. LUDINGTON
U.S. DISTRICT JUDGE

Metroplex MI 480 ZIP
WED 21 APR 2021 PM

115

